



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,828	07/14/2003	Ajay Kumar	5681-15100	5939
58467	7590	06/18/2008		
MHKKG/SUN P.O. BOX 398 AUSTIN, TX 78767			EXAMINER TRUONG, CAMQUY	
			ART UNIT 2195	PAPER NUMBER
			MAIL DATE 06/18/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Advisory Action Before the Filing of an Appeal Brief</b>	Application No. 10/618,828	Applicant(s) KUMAR ET AL.	
	Examiner CAMQUY TRUONG	Art Unit 2195	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: None.  
Claim(s) objected to: none.  
Claim(s) rejected: 1-36.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information *Disclosure Statement(s)*. (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/Meng-Ai An/  
Supervisory Patent Examiner, Art Unit 2195

Continuation of 11. does NOT place the application in condition for allowance because: Applicant amendment filed on 5/5/08 has been considered but they are not persuasive:

Applicant argued in substance that:

- (1) " Hagersten in view of Fowler fails to disclose, memory coupled to the one or more processors and configured to store program instructions executable by the one or more processor to implement a transaction manager" .
- (2) "Hagersten in view of Fowler fails to disclose, a transaction manager configured to manage a plurality of transactions initiated by one or more applications".
- (3) "Hagersten in view of Fowler fails to disclose, wherein each transaction comprises a plurality of operations to one or more data sources that are required to be committed to the one or more data sources atomically for each respective transaction."
- (4) "Hagersten in view of Fowler fails to disclose wherein while pause, the transaction manager does not allow any of the plurality of transactions managed by the transaction manager to complete".
- (5) " Hagersten and Fowler does not teach pausing all transactions managed by the transaction manager in response to a pause request".
- (6) " Nor does Fowler teach resuming transactions managed by a transaction manager in response to a resume request".
- (7) " the Examiner's proposed combination makes no sense and would be inoperable".

Examiner respectfully disagreed with Applicant's remarks:

As to point (1), Hagersten teaches a home agent for use within a node of a multiprocessing computer system comprising a plurality of storage element (memory) configured to receive transaction requests (program instruction) from other nodes of the multiprocessing computer system, and a home agent control unit (transaction manager) coupled to receive the transaction requests stored by the plurality of storage elements. The home agent control unit is configured to service a given read-to-own transaction request prior to servicing a given read-to-share transaction request, even if the given read-to-share transaction request is received by the node prior to the node receiving the given read-to-own transaction request (col. 5, lines 40-51).

As to point (2), Hagersten teaches components (plurality of transactions) of a particular computing task (one or more applications) may be distributed among multiple processors to decrease the time required to perform the computing task as a whole (col. 1, lines 14-25).

As to point (3), Hagersten teaches Hagersten teaches a given process perform an atomic operation to obtain access to a critical memory region (col. 2, lines 57-59).

As to point (4), Hagersten teaches the transaction blocking unit is configured to block all coherent transaction requests with some exceptions for read-to-share transaction request in memory architecture (col. 5, lines 1-4).

As to point (5) and point (6), Fowler teaches the logic circuit is further responsive to a generated resume output request signal for concurrently providing a resumption control signal to each of the other processors concurrently to effect a resumption of program execution thereby (col. 8, lines 52-56) / pause/resume-out signal from a subsystem is an input to the Subsystem Synchronization circuit and is an indication of whether that subsystem is paused or executing (col. 2, lines 49-58).

As to point (7), Hagersten teaches optimizing operations within multiprocessor computer systems having distributed shared memory (col. 1, lines 10-12) while Fowler teaches the testing of multiple processor systems to allow the system to pause/resume the execution of application program in an efficient and graceful manner (col. 9, lines 17-19). Thus, It would lead to one skilled in the art to combine Hagersten and Fowler.

In addition, Examiner respectfully traverses the applicant's remarks: in response to Applicant's argument that the Examiner's proposed combination makes no sense and would be inoperable, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references are within the field of the inventor's endeavor and the motivation is a soft profile of the thread will not damaging the ligament while still provides resistant of pullout (see "Hubbard" col. 4, lines 7-12). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 545 (CCPA 1969).